

NAGALAND INFORMATION COMMISSION
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No. NIC/Appeal-12/2014-15

Dated Kohima, the 15th November, 2014.

Appellant: Shri. Vikheto Zhimomi,
P.R Hill Colony,
Kohima,
Mobile No. 9615115300, 9089896123

Respondent(s): 1) The Chief Engineer & First Appellate Authority,
PWD(R&B),
Nagaland, Kohima.

2) The concerned PIO,
Office of the Chief Engineer,
PWD(R&B),
Kohima, Nagaland.

Public Authority: PWD(R&B),
Nagaland, Kohima.

Date of hearing: 13.11.2014 at 12:00 PM.

Date of Decision: 15.11.2014

Present:

1. Er. D. Mero, Engineer-in-Chief & FAA, NPWD, Nagaland, Kohima.
2. Er. K. Rhetso, Deputy Chief Engineer & PIO, Office of the Engineer-in-Chief, NPWD, Nagaland, Kohima.
3. Shri. Saji Joseph, P. S to Engineer-in-Chief & FAA, NPWD, Nagaland, Kohima.
4. The applicant(now the appellant), Shri. Vikheto Zhimomi, P.R Hill Colony, Kohima, Mobile No. 9615115300, 9089896123.

The Chief Engineer & FAA, PWD (R&B), Nagaland, Kohima and the concerned PIO, Office of the Chief Engineer, PWD (R&B), Nagaland, Kohima did not appear for the hearing.

FACT OF THE CASE

An applicant, Shri. Vikheto Zhimomi, P.R Hill Colony, Kohima, Mobile No. 9615115300, 9089896123 had submitted an RTI application dated 23.05.2014, addressed to the PIO, Chief Engineer, NPWD(R&B), Nagaland, Kohima alongwith the prescribed fee of Rs. 10/- paid in cash requesting for a Xerox copy of Seniority list of (latest) regular employees both Gazetted and non-gazetted under the office of Chief Engineer, PWD (R&B), Nagaland, Kohima as per section 3 (1) and section 3 (2) of the Nagaland Retirement from Public Employment (Second Amendment) Act 2009 and in terms of Government of Nagaland, P&AR Department Notification No. AR-3/GEN-174/2007 (Pt) dated 7th August, 2009.

The above RTI application dated 23.05.2014 was received by the public authority on the same day i.e. on 23.05.2014 as evidenced on the body of the copy of the above RTI application.

And in response to the above RTI application dated 23.05.2014, Er. D. Mero, Chief Engineer, PWD (R&B), Nagaland, Kohima had vide letter No. CE/R&B/RTI/2012-13 dated 23.05.2014 transferred the RTI application dated 23.05.2014 to the Engineer-in-Chief, NPWD, Nagaland, Kohima since all the records of seniority list are maintained solely by the Office of the Engineer-in-Chief, NPWD, Nagaland, Kohima.

However, on not getting any response from the Office of the Engineer-in-Chief, NPWD, Nagaland, Kohima within the stipulated time frame of 30 days to his RTI application dated 23.05.2014, the applicant had filed first appeal dated 03.07.2014 before the Chief Engineer & First Appellate Authority, PWD (R&B), Nagaland, Kohima.

The above first appeal dated 03.07.2014 was received by the public authority on 08.07.2014 as evidenced on the body of the copy of the above first appeal.

Since there was no response from the Chief Engineer & First Appellate Authority, PWD(R&B), Nagaland, Kohima to his first appeal dated 03.07.2014 which was submitted against the non-response of the PIO, Office of the Chief Engineer, PWD(R&B), Nagaland, Kohima to his RTI application dated 23.05.2014, the applicant(now appellant) had preferred a Second Appeal dated 03.09.2014 before this Commission.

The Commission had decided to hear the appeal, giving opportunity to the parties, on **4th November, 2014 (Tuesday) at 1:30 PM** in the **Hearing Room of the Nagaland Information Commission, Old Secretariat Complex, Kohima**. However, due to some unavoidable official function, the Commission had vide letter of even No. dated 27.10.2014 rescheduled the hearing on **13th November, 2014 (Thursday) at 12:00 PM**.

OBSERVATIONS AND FINDINGS:

The Chief Engineer & FAA, PWD (R&B), Nagaland, Kohima and the concerned PIO, Office of the Chief Engineer, PWD (R&B), Nagaland, Kohima did not appear for the hearing. However, the Commission felt that their presence was not necessary since the RTI application dated 23.05.2014 was promptly transferred to the Office of the Engineer-in-Chief, NPWD, Nagaland, Kohima on the same day since all the records of seniority list are maintained solely by the Office of the Engineer-in-Chief, NPWD, Nagaland, Kohima.

During the hearing, Er. D. Mero, who took charge recently as the Engineer-in-Chief & FAA, NPWD, Nagaland, Kohima, submitted that the Seniority list of all Gazetted Officers under NPWD are maintained by the Government i.e, Department of Works & Housing, Nagaland, Kohima and whereas **a common Seniority List** of the Non-Gazetted staffs of all its subordinate wings/offices viz. PWD(Roads & Bridges), PWD(Housing), PWD(National Highways), PWD(Planning & Design) and PWD(Mechanical) are maintained by the Office of the Engineer-in-Chief, Nagaland, Kohima. And on receipt of the RTI application dated 23.05.2014 transferred from the Office of the Chief Engineer, PWD(R&B), Nagaland, Kohima, a letter was written to the Department of Works & Housing, Nagaland, Kohima to furnish the Seniority list of Gazetted Officers under NPWD, however, no such letter was produced or received by the Commission.

The applicant(now appellant) submitted that he had received from the Office of the Chief Engineer, PWD(R&B), Nagaland, Kohima, a copy of the letter No. CE/R&B/RTI/2012-13 dated 23.05.2014 transferring his RTI application dated 23.05.2014 to the Engineer-in-Chief, NPWD, Nagaland, Kohima since all the records of seniority list for Non-Gazetted staffs are maintained solely by the Office of the Engineer-in-Chief, NPWD, Nagaland, Kohima. However, there was no information received from the Office of the Engineer-in-Chief, NPWD, Nagaland, Kohima.

Er. K. Rhetso, Deputy Chief Engineer & PIO, Office of the Engineer-in-Chief, NPWD, Nagaland, Kohima submitted that since the common seniority list of all the Non-gazetted, particularly of **Grade III** under NPWD was under compilation and finalisation, the information could not be furnished on time. And had the information was furnished during the 30 days time, the information would be incorrect and incomplete then. The PIO also informed that the common seniority list of all the Non-gazetted, particularly of Grade III under NPWD has been finalised and the information can now be furnished. However, the PIO clarified that the seniority list of the Non-gazetted under NPWD is usually prepared only for the **regular employees** and does not include the Work Charge, Fixed Pay, Adhoc, contract or Casual employees. And since the applicant(now appellant) had also requested for the latest seniority list of the **regular employees** only, the information can now be furnished.

Further, the PIO submitted that regarding the seniority list of all the **Grade IV** Non-gazetted staffs, he had to write to all the respective wings/offices and their district offices, to furnish the information which would take a long time, particularly the various divisions and district offices to submit.

On the above submission of the PIO, the applicant(now appellant) agreed that he would be interested on the latest seniority lists of all the **Gazetted Officers** and the **regular Grade III** Non-gazetted staffs under NPWD only.

Er. K. Rhetso, Deputy Chief Engineer & PIO, Office of the Engineer-in-Chief, NPWD, Nagaland, Kohima submitted that since the seniority lists of all the **Gazetted Officers** had to be obtained from the Government i.e, Department of Works & Housing, Nagaland, Kohima, he had pleaded for more time to furnish the information, which the Commission agreed.

The Commission accepted and is satisfied with the submission of Er. K. Rhetso, Deputy Chief Engineer & PIO, Office of the Engineer-in-Chief, NPWD, Nagaland, Kohima regarding the reasons for the delay in furnishing the information. And since the information has been finalised and the Deputy Chief Engineer & PIO, Office of the Engineer-in-Chief, NPWD, Nagaland, Kohima is now ready to furnish the information, the Commission decided not to impose any penalty on the Deputy Chief Engineer & PIO, Office of the Engineer-in-Chief, NPWD, Nagaland, Kohima.

The Commission appreciates the Office of the Chief Engineer, PWD (R&B), Nagaland, Kohima for taking prompt action on the RTI application on 23.05.2014 by transferring it to the Office of the Engineer-in-Chief, NPWD, Nagaland, Kohima on the same day.

DECISION:

On the above observations and findings, the Commission decides that:-

1. Er. K. Rhetso, Deputy Chief Engineer & PIO, Office of the Engineer-in-Chief, NPWD, Nagaland, Kohima shall, after obtaining the latest seniority list of **all Gazetted Officers** under NPWD from the Department of Works & Housing, Nagaland, Kohima, provide the seniority list of **all Gazetted Officers** alongwith the latest seniority list of **the regular Grade III** Non-gazetted staffs under NPWD to the applicant(now the appellant), with a copy to this Commission **within 30(thirty) days** from the **date of issue** of this Commission's Decision.
2. On receipt of the information from Er. K. Rhetso, Deputy Chief Engineer & PIO, Office of the Engineer-in-Chief, NPWD, Nagaland, Kohima, the applicant (now appellant) shall inform the Commission about his satisfaction or non-satisfaction of the information so received within **one (1) week** from the date of receipt of the information.

This appeal case shall be closed only after compliance to this Commission's Decision is received.

Decision pronounced in presence of all parties present on 13.11.2014.

Copy be given to:-

1. Er. D. Mero, Engineer-in-Chief & First Appellate Authority, NPWD, Nagaland, Kohima.
2. Er. K. Rhetso, Deputy Chief Engineer & PIO, Office of the Engineer-in-Chief, NPWD, Nagaland, Kohima.
3. The Chief Engineer & FAA, PWD (R&B), Nagaland, Kohima.
4. The concerned PIO, Office of the Chief Engineer, PWD (R&B), Nagaland, Kohima
5. The applicant(now the appellant), Shri. Vikheto Zhimomi, P.R Hill Colony, Kohima, Mobile No. 9615115300.
6. The Computer Programmer, Nagaland Information Commission for uploading on the website.
7. Office Copy.

Sd/-

KEVININO P. MERU
Chief Information Commissioner,
Nagaland.

Authenticated by:-

(SOYIMNA AIER KOZA)
Secretary
Nagaland Information Commission